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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA
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14 SHIGE TAKIGUCHI, FUMI NONAKA,) 2:13-cv-01183-HDM-VCF
15 MITSUAKI TAKITA, TATSURO SAKAI,)
16 SHIZUKO ISHIMORI, YUKO NAKAMURA,)
17 MASAACKI MORIYA, HATSUNE HATANO,) ORDER
18 AND HIDENAO TAKAMA, Individually)
19 and on Behalf of All Others)
20 Similarly Situated,)
21 Plaintiffs,)
22 vs.)
23 MRI INTERNATIONAL, INC., EDWIN J)
FUJINAGA, JUNZO SUZUKI, PAUL)
MUSASHI SUZUKI, LVT, INC., dba)
STERLING ESCROW, and DOES 1-500,)
Defendants.)

24 On November 1, 2016, the plaintiffs filed separate motions for
25 partial summary judgment against defendants (1) Junzo Suzuki; (2)
26 Paul Suzuki; and (3) MRI and Edwin Fujinaga. Plaintiffs filed the
27 motion against Junzo Suzuki and certain of its exhibits (ECF No.
28 529) under seal, along with a concurrent motion for leave to do so

1 (ECF No. 528). Plaintiffs asserted that the motion against Junzo
2 Suzuki relied on evidence that had been designated as confidential
3 pursuant to the parties' stipulated protective order (ECF No. 335)
4 - specifically, Junzo Suzuki's deposition - and that while they
5 disagreed as to the scope of the confidentiality designation, they
6 agreed that the deposition contained references to "private
7 financial information" that was properly protected from public
8 disclosure. On November 2, 2016, the court granted the plaintiffs'
9 motion to seal.

10 On December 9, 2016, the Suzukis filed their oppositions to
11 the motions for summary judgment. The oppositions were not filed
12 under seal. In addition, the Suzukis filed their responses to the
13 plaintiffs' Separate Statement of Facts (ECF Nos. 564 & 567).
14 Those responses were filed under seal. The Suzukis filed a
15 concurrent motion to seal, which included a request that the
16 plaintiffs' motion for summary judgment against Paul Suzuki and
17 Appendix 1 to that motion also be sealed. The Suzukis argued that
18 all three documents relied on or referenced deposition "testimony
19 regarding private financial information and other sensitive
20 information protected from public disclosure under the terms of the
21 Protective Order." (ECF No. 562 at 3).

22 On January 6, 2017, plaintiffs filed their replies to the
23 responses to the motions for summary judgment and to the Suzukis'
24 responses to the separate statements of fact. Of these, the only
25 document plaintiffs filed under seal, along with a concurrent
26 motion for leave to do so, was their reply to Junzo Suzuki's
27 response to the plaintiffs' separate statement of facts. (ECF Nos.
28 578 & 579).

1 The public has a "general right . . . to inspect and copy
2 public records and documents, including judicial records and
3 documents." *Kamakana v. City & County of Honolulu*, 447 F.3d 1172,
4 1178 (9th Cir. 2006). A "party seeking to seal judicial records
5 must show that 'compelling reasons supported by specific factual
6 findings . . . outweigh the general history of access and the
7 public policies favoring disclosure.'" *Pintos v. Pac. Creditors*
8 *Ass'n*, 605 F.3d 665, 678 (9th Cir. 2009). The court must weigh
9 relevant factors, including "public interest in understanding the
10 judicial process and whether disclosure of the material could
11 result in improper use of the material for scandalous or libelous
12 purposes or infringement upon trade secrets," in deciding a motion
13 to seal. *Id.* at 679 n.6 (citing *Hagestad v. Tragesser*, 49 F.3d
14 1430, 1434 (9th Cir. 1995)). "'Simply invoking a blanket claim,
15 [of privilege] such as privacy,' or confidentiality, 'will not,
16 without more, suffice to exempt a document from the public's right
17 of access, even where the assertion of privacy or confidentiality
18 is unopposed.'" *Trudel v. Am. Family Mut. Ins. Co.*, 2014 WL
19 11514215, at *1 (D. Ariz. Aug. 15, 2014) (quoting *Kamakana*, 447
20 F.3d at 1185 and citing *San Jose Mercury News, Inc. v. U.S. Dist.*
21 *Ct.*, 187 F.3d 1096, 1102-03 (9th Cir. 1999)).

22 The court has reviewed and considered the materials the
23 plaintiffs and Suzukis seek to have sealed in connection with the
24 motions for summary judgment and finds that nothing contained
25 therein meets the compelling reasons standard. While there is
26 reference to the amounts of commissions received by the Suzukis in
27 exchange for their work with MRI, and to the amounts of money Junzo
28 Suzuki wired back to MRI to cover its shortfalls, the court finds

1 that this information is not the type of sensitive financial
2 information that must be protected from public disclosure. There
3 are no account numbers or specific identification of assets by
4 location; this is simply evidence that large sums of money were
5 exchanged between MRI and the Suzukis. The court is not persuaded
6 that this information could be used for an improper purpose and
7 concludes that the public is entitled to the evidence. The parties
8 do not specifically identify the other claimed "sensitive
9 information" that was revealed during the Suzukis' depositions
10 which should be protected from public disclosure, much less provide
11 compelling reasons for doing so. As a matter of fact, although the
12 Suzukis have designated Paul Suzuki's deposition as "confidential,"
13 the court is unpersuaded that such designation is proper given that
14 Paul Suzuki answered virtually no questions during his deposition.

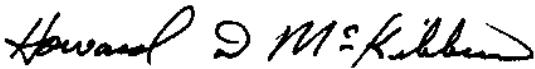
15 Accordingly, unless the plaintiffs or the Suzukis show cause
16 on or before January 20, 2017, why any specific portions relating
17 to discrete items of information of plaintiffs' motion for summary
18 judgment against Junzo Suzuki (ECF No. 529) - including Junzo
19 Suzuki's deposition and the exhibits attached thereto - Junzo
20 Suzuki's response to the plaintiffs' statement of facts (ECF No.
21 564), Paul Suzukis' response to the plaintiffs' statement of facts
22 (ECF No. 567), and the plaintiffs' reply to Junzo Suzuki's response
23 to the separate statement of facts (ECF No. 579) should remain
24 sealed, the court will unseal the aforementioned documents in their
25 entirety.

26 As to the plaintiffs' motion for summary judgment against Paul
27 Suzuki and Appendix 1 thereto, the motion to seal (ECF No. 562) is
28 **DENIED.** In any response to the order to show cause, the Suzukis

1 may identify specific, discrete information in those documents that
2 they believe should be sealed and the compelling reasons for doing
3 so, and the court will consider the relevant factors to determine
4 whether sealing of that information is appropriate.

5 **IT IS SO ORDERED.**

6 DATED: This 10th day of January, 2017.

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8 UNITED STATES DISTRICT JUDGE
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